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ATTORNEYS FOR PLAINTIFF
J & J SPORTS PRODUCTIONS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

J & J SPORTS PRODUCTIONS, INC., a California corporation, Plaintiff, vs. JOANNA UEHARA and GREEN CLOVER CORPORATION, a Hawaii corporation, d/b/a CHAMPIONS SPORTS BAR & GRILL/HAZUKI RESTAURANT, Defendants.	Civ. No. 17-00166 COMPLAINT; SUMMONS

COMPLAINT

COMES NOW J & J SPORTS PRODUCTIONS, INC., Plaintiff above-named, by and through its attorneys, DAN S. IKEHARA and JOYCE J. UEHARA, and sets forth the following Complaint against Defendants JOANNA UEHARA and GREEN CLOVER CORPORATION, a Hawaii corporation, d/b/a CHAMPIONS SPORTS BAR & GRILL/HAZUKI RESTAURANT, and allege and aver as follows:

JURISDICTION

1. This action is brought pursuant to the Communications Act of 1934, 47 U.S.C. § 605, *et seq.*, as amended, and the Cable & Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 553, *et seq.*, as amended.

2. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. § 1331, which grants the district courts with original jurisdiction of all civil actions arising under the Constitution, laws, or treaties, of the United States.

3. This Court has personal jurisdiction over the parties in this action as a result of the Defendants' wrongful acts hereinafter complained of that occurred in State of Hawaii. Plaintiff is a California corporation with rights as the exclusive commercial domestic distributor of the televised fight program hereinafter set forth at length.

4. The Defendant JOANNA UEHARA is a resident of Hawaii, and committed the wrongful acts alleged herein in the State of Hawaii.

5. GREEN CLOVER CORPORATION, a Hawaii corporation, d/b/a CHAMPIONS SPORTS BAR & GRILL/HAZUKI RESTAURANT is a business with its principal office in Hawaii, and committed the wrongful acts alleged herein in the State of Hawaii.

VENUE

6. Pursuant to 47 U.S.C. § 605, venue is proper in the District of Hawaii because a substantial part of the events or omissions giving rise to the claims occurred in the District of Hawaii.

THE PARTIES

7. Plaintiff, J & J SPORTS PRODUCTIONS, INC., is and was and at all relevant times, a California corporation with its principal place of business located at 2380 South Bascom Avenue, Suite 200, Campbell, California 95008.

8. Defendant JOANNA UEHARA, an individual, is a resident of the City and County of Honolulu, and is or was at all relevant times, individually or in partnership, the owner, and/or operator, and/or licensee, and/or permittee, and/or entity in charge, and/or a person with dominion, control, oversight and management of GREEN CLOVER CORPORATION, a Hawaii corporation, doing

business as CHAMPIONS SPORTS BAR & GRILL/HAZUKI RESTAURANT, located at 1108 Keeaumoku Street, Honolulu, Hawaii 96814.

9. Defendant GREEN CLOVER CORPORATION, a Hawaii Corporation, is or was at all relevant times, a business located and operating in the City and County of Honolulu, State of Hawaii, and is or was at all relevant times, individually or in partnership the owner, and/or operator, and/or licensee, and/or permittee, and/or entity in charge, and/or a person with dominion, control, oversight and management of the commercial establishment doing business as CHAMPIONS SPORTS BAR & GRILL/HAZUKI RESTAURANT, located at 1108 Keeaumoku Street, Honolulu, Hawaii 96814.

COUNT I
(Violation of Title 47 U.S.C. Section 605)

10. Plaintiff J & J SPORTS PRODUCTIONS, INC., hereby incorporates by reference all of the allegations contained in paragraphs 1 through 9, inclusive, as though set forth herein at length.

11. Plaintiff J & J SPORTS PRODUCTIONS, INC., paid for and was thereafter granted the exclusive nationwide television distribution rights to *Manny Pacquiao v. Timothy Bradley, II WBO Welterweight Championship Fight Program*, to be (and that was) telecast nationwide on Saturday, April 12, 2014,

including all under-card bouts and fight commentary encompassed in the television broadcast of the event (hereinafter referred to as the "Program").

12. Plaintiff J & J SPORTS PRODUCTIONS, INC., entered into sublicensing agreements with various commercial entities throughout North America, including entities within the State of Hawaii by which the sub-licensees were given the rights to publicly exhibit the Program to patrons within their respective establishments (i.e., hotels, racetracks, casinos, bars, taverns, restaurants, social clubs, etc.).

13. 10. On or about April 12, 2014, with full knowledge that it was unauthorized to do so, and without a sublicensing agreement with or permission from Plaintiff, Defendants and/or their agents, servants, workers or employees did unlawfully publish, divulge and exhibit the Program at the time of their transmission at their commercial establishment located at 1108 Keeaumoku Street, Honolulu Hawaii 96914.

14. Said unauthorized interception, publication, exhibition and divulgence by the Defendants were done willfully and for purposes of direct or indirect commercial advantage or private financial gain.

15. The Communications Act of 1934, 47 U.S.C. § 605, *et seq*., as amended, prohibits the unauthorized publication or use of the transmission (the

Program) for which Plaintiff J & J SPORTS PRODUCTIONS, INC., owned and possessed the distribution rights.

16. By reason of their aforesaid mentioned conduct, the Defendants violated The Communications Act of 1934, 47 U.S.C. § 605, *et seq.*

17. Plaintiff J & J SPORTS PRODUCTIONS, INC., is given a private right of action pursuant to the Communications Act of 1934. 47 U.S.C. § 605, *et seq.*, against any violator of the Communications Act of 1934, and thus against Defendants.

18. As a result of Defendants' violation of the Communications Act of 1934. 47 U.S.C. § 605, *et seq.*, Plaintiff J & J SPORTS PRODUCTIONS, INC., is entitled to an award of statutory damages, attorney's fees, and costs.

COUNT II
(Violation of Title 47 U.S.C. Section 553)

19. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1 through 18, inclusive, as though set forth herein at length.

20. The unauthorized interception, exhibition, publication, and divulgence of the Program by Defendants are prohibited by the Communications Act of 1934, 47 U.S.C. § 553, *et seq.*, as amended.

21. By reason of the above-mentioned conduct, Defendants violated the Communications Act of 1934, 47 U.S.C. § 553, *et seq.*

22. Plaintiff J & J SPORTS PRODUCTIONS, INC., is given a private right of action pursuant to the Communications Act of 1934, 47 U.S.C. § 553, *et seq*., against Defendants who have violated the Act.

23. As a result of Defendants' violation of the Communications Act of 1934, 47 U.S.C. § 553, *et seq*., Plaintiff J & J SPORTS PRODUCTIONS, INC., is entitled to an award of statutory damages, attorney's fees, and costs.

COUNT III
(Conversion)

24. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1 through 25, inclusive, as though set forth herein at length.

25. By their acts as aforesaid in interception, exhibiting, publishing, and divulging the Program, the Defendants tortiously obtained possession of the Program and wrongfully converted it to its own use and benefit.

26. The aforesaid acts of Defendants were willful, malicious, and intentionally designed to harm Plaintiff J & J SPORTS PRODUCTIONS, INC., and to subject Plaintiff to economic deprivation and distress.

27. Accordingly, Plaintiff J & J SPORTS PRODUCTIONS, INC., is entitled to both compensatory and punitive damages from aforementioned Defendants as the result of Defendants' egregious conduct and conversion.

WHEREFORE, Plaintiff prays for judgment against Defendants, individually and jointly, as set forth below.

A. For statutory damages pursuant 47 U.S.C. § 605, including but not limited to, for each willful violation, an amount up to $100,000.00, pursuant to 47 U.S.C. § 605(e)(3)(C)(ii).

B. For statutory damages pursuant to 46 U.S.C. § 553, including but not limited to, for each willful violation, an amount up to $50,000.00, pursuant to 47 U.S.C. § 553(b)(2).

C. Compensatory damages in an amount according to proof against Defendants.

D. Punitive damages in an amount according to proof against Defendants.

E. For attorney fees and costs pursuant to statute or other applicable law or court rule.

F. For such other and further relief as this Honorable Court may deem just and proper.

Dated: Honolulu, Hawaii, April 11, 2017.

/s/ DAN S. IKEHARA
DAN S. IKEHARA
JOYCE J. UEHARA
Attorneys for Plaintiff
J & J SPORTS PRODUCTIONS, INC.